IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1152 (S/S) of 2005

Smt. Vimlesh Verma,
wife of Sri B.R. Verma,
resident of Ram Nagar Road,
Kashipur,
District – Udham Singh Nagar. **……Petitioner.**

V e r s u s.

1. Secretary, Education, Government of Uttaranchal, Dehradun.
2. Additional Director, Education, Kumaon Mandal, Nainital.
3. District Education Officer, Udham Singh Nagar.
4. Principal, Government Girls Inter College, Kashipur, Udham Singh Nagar.

.....Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Ms. Menka Tripathi, holding brief of Sri Anurag Bisaria, learned counsel for the petitioner and learned standing counsel, who has accepted notices on behalf of respondents.

Learned counsel for both the parties are agree to decide the present writ petition at its admission stage itself.

Petitioner, who is LT Grade Teacher, has challenged the transfer order dated 30.06.2005 passed by respondent no. 2 i.e. Additional Director, Education, Kumaon Mandal, Nainital by which the petitioner has been transferred from Government Girls Inter College, Kashipur, Udham Singh Nagar to Government Girls Higher Secondary School, Jayanti, Almora.

The petitioner has challenged the impugned transfer order on the ground that on 17.07.2005, the Director of Education has already passed an order not to relieve those teachers who have transferred but have crossed the age of 55 years of age and have

not completed at least 3 years in the institution form where they have been transferred.

The submission of the petitioner is that petitioner has already crossed the age of 55 years and as such, she is entitled to continue in Government Girls Inter College, Kashipur, Udham Singh Nagar. Though the petitioner has already been relieved from the said college but no one has taken over the charge of the petitioner till date, as such, the post from which the petitioner was transferred is still vacant and she may be accommodated in the Government Girls Inter College, Kashipur, Udham Singh Nagar and in case, any person has already taken charge of the petitioner in Government Girls Inter College, Kashipur, Udham Singh Nagar then she may be placed at the nearby place. In this respect, petitioner has already moved a representation to Additional Director of Education, which is Annexure No. 7 to the writ petition.

During the course of argument, learned counsel for the petitioner has confined her prayer that respondent no. 2 may be directed to decide the aforesaid representation of the petitioner at the earliest.

The prayer is innocuous. Additional Director of Education, Kumaon Mandal, Nainital/Joint Director of Education, Kumaon Mandal, Nainital is directed to take decision on the petitioner's representation (Annexure No. 7 to the writ petition) in light of the order dated 17.07.2005 passed by Director of Education, Dehradun within a period of two weeks from the date of production of certified copy of this order along with copy of representation.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 16, 2005
SKSharma